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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,137	07/12/2000	TAKAYUKI YOSHIGAHARA	TNAB-Q9081	3847

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/555,137	YOSHIGAHARA ET AL.	
	Examiner	Art Unit	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-58 and 60-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-58 and 60-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated May 20, 2004 that canceled claim 59 and amended claims 49, 51, 64, 79 and 94-96.

Response to Arguments

2. Applicant's arguments dated May 20, 2004 have been fully considered but they are not persuasive. The 35 USC 112 rejection is overcome.
3. Applicant's arguments with respect to claims 49, 51, 64, 79 and 94-96 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Vining et al. (5,920,319).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 49, 52-53, 55-64, 67-68, 70-79, 82-83, 85-93 and 94-96** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessette, US Patent 6,263,330 in view of Vining et al., US Patent 5,920,319.

a) **As to claims 49, 64, and 79**, Bessette discloses a system and method for electronic management of data files wherein a three-dimensional view of the human body in the database storage may be read out by authorized users, the invention comprises:

- a large number of medical records for individuals in a network distributed shared medical record (NDSMR) server which reads on the information recording device wherein each record including one unique identifier which reads on the protection information and at least one data field which reads on measured data (col. 3, lines 36-59). Those medical data are read out from the server via the LAN interface (Figure 1) which reads on the interface means.
- users log on with users' ID and password (col. 10, lines 57-64; Figure 8, element 800) which reads on input means for inputting authentication information for authenticating the reading out of the measured data from the information recording device.

- users are validated using the log on input and identifier information from NDRSMR server (Figure 8, element 804; col. 10, lines 60-67) which reads on authenticating means for reading out the protection information from the information recording device through the interface means and for performing authentication processing using the authentication information input.
- the reading out of medical records is controlled by the user profile and in accordance with the validation result (col. 11, lines 19-24) which reads on the control means.

Bessette teaches a three-dimensional view of the human body may be available upon requests, medical inquires and searches (col. 11, lines 64-67), he also teaches means for reading out protection information for protecting the three-dimensional data (Figure 8, element 804; col. 10, lines 60-67). However, he does not disclose that three-dimensional view based on three-dimensional shape information and texture information on a body and processing means for performing prescribed processing utilizing the measured data which is read out to generate feature parameters on a model.

Vining discloses a system and method for interactively displaying a three-dimensional rendering of a structure having a lumen and for automatically analyzing such structures for potential abnormalities where a surface/volume renderings of an organ of a patient are 3-D renderings with shape and texture information (col. 4, lines 5-16), Vining also discloses comparing the generated three-dimensional rendering with an adaptive thresholding procedure to identify potentially abnormal regions of the

structure (col. 4, lines 31-34; col. 10, lines 41-47; lines 56-65) of the patient which reads on generating feature parameters on a model by comparing 3-D measured data of a human body with standard model.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of 3-D data with shape and texture information to generate feature parameters on a model in the system of Bessette, as Vining teaches, so as to make better use of 3-D data.

b) **As to claims 52, 67 and 82**, Bessette discloses the input means inputs information for specifying a person having the body of the three-dimensional information as authentication information (Figure 4, elements 404 and 408; col. 7, lines 29-36).

c) **As to claims 53, 68 and 83**, Bessette discloses the input means inputs information showing the body characteristics of the person having the body of the three-dimensional information as authentication information (col. 7, lines 49-51).

d) **As to claims 55, 70 and 85**, Bessette discloses the input means inputs finger print information of the person having the body of the three-dimensional information as authentication information (col. 7, lines 44-45).

e) **As to claims 56, 71 and 86**, Bessette discloses the input means inputs retinal or genetic derived signature or any other type of biological signature information

of the person having the body of the three-dimensional information as authentication information (col. 7, lines 49-51). It inherently understands voice information is biological signature information.

f) **As to claims 57, 72 and 87**, Bessette discloses the input means inputs a password set by the person having the body of the three-dimensional information as authentication information (col. 10, lines 62-64).

g) **As to claims 58, 73 and 88**, Bessette discloses the interface means is so constructed that the information recording device can be attached/detached (Figure 1; col. 7, lines 36-40).

h) **As to claims 59, 74 and 89**, Bessette discloses the measured data includes three-dimensional shape information and texture information on the body (col. 11, lines 64-67).

i) **As to claims 60, 75 and 90**, Bessette discloses the interface means receives the measured data and the protection information from the information recording device through an communication circuit (Figure 1).

j) **As to claims 61-62, 76-77 and 91-92**, Bessette discloses the recording device hierarchically stores the measured data every part of the body and processing means selects and utilizes any hierarchy of measured data (Figure 6A, 6B and 6C).

k) **As to claims 63, 78 and 93**, Bessette discloses the control means to delete the measured data when the authenticating means detects the dishonest authentication result (col. 10, lines 64-67).

l) **As to claims 94, 95 and 96**, Bessette discloses an information recording device comprising a network distributed shared medical record (NDSMR) server which reads on first storage means for storing medical data records for individuals, for example three-dimensional view of human body (col. 11, lines 64-67), wherein each record including one unique identifier which reads on the protection information and at least one data field which reads on measured data (col. 3, lines 36-59) and LAN interface which reads on the first interface means for reading out data and transmitting them to clients (Figure 1).

Bessett also discloses an information processing device as addressed in the above claim 49. However, he fails to disclose a measuring step of measuring three-dimensional shape information and texture information on the body, although he discloses the process for inputting protection information for protecting measured data from being read out (Figure 4 and 8) and processing step of performing prescribed processing utilizing the measured data read out to generate feature parameters on a model.

Vining discloses a system and method for interactively displaying a three-dimensional rendering of a structure having a lumen and for automatically analyzing such structures for potential abnormalities where a surface/volume renderings of an organ of a patient are 3-D renderings with shape and texture information (col. 4, lines 5-16), Vining also discloses comparing the generated three-dimensional rendering with an adaptive thresholding procedure to identify potentially abnormal regions of the structure (col. 4, lines 31-34; col. 10, lines 41-47; lines 56-65) of the patient which reads on generating feature parameters on a model by comparing 3-D measured data of a human body with standard model.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of 3-D data with shape and texture information to generate feature parameters on a model in the system of Bessette, as Vining teaches, so as to make better use of 3-D data.

6. **Claims 50, 51, 54, 65-66, 69, 80-81 and 84** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessette, US Patent 6,263,330 in view of Vining et al., US Patent 5,920,319 and further in view of Chen et al., US Patent 5,969,721.

a) **As to claims 50, 65 and 80**, Bessette fails to disclose the storage means for recording standard three-dimensional model data wherein the measured data includes feature parameters produced by being compared with a standard three-

dimensional model and the processing means performs processing by applying the feature parameters to the standard three-dimensional model data.

Chen discloses an invention modifies a generic animation wire-frame model, which reads on a standard three-dimensional model, with measured three-dimensional range data to produce a customized animated wire-frame which reads on measured data with feature parameters (Figure 1; col. 3, lines 39-67 to col. 4, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of recording standard three-dimensional model data, producing measured data with feature parameters and processing the produced data, as Chen teaches, in the system of Bessette so as to produce more realistic and natural displays for human interactions.

b) **As to claims 51, 66 and 81**, as best understood, Bessette fails to disclose measured data is stored different from the standard three-dimensional model.

Chen discloses generic animation wire-frame data, which reads on standard three-dimensional model is stored different from the measured data (Figure 1; col. 3, lines 62-65; col. 4, lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing the measured data different from the standard three-dimensional model, as Chen teaches, in the system of Bessette so as to easily retrieve data.

c) **As to claims 54, 69 and 84**, Bessette discloses the authentication process however he fails to indicate the input authentication information as texture data of the three-dimensional information.

Chen discloses the texture mapping, shading and information in the animation wire-frame (col. 8, lines 29-64; Figure 9A, 9B, 10 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of input authentication information as texture data of the three-dimensional information, as Chen teaches, in the system of Bessette so as to better secure the system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a) US 6,546,308 to Takagi et al. discloses method and system for manufacturing semiconductor devices and method and system for inspecting semiconductor devices.

b) US 5,581,276 to Cipolla et al. discloses 3-D human interface apparatus using motion recognition based on dynamic image processing.

c) US 5,511,153 to Azarbayejani et al. discloses method and apparatus for 3-dimensional, textured models from plural video images.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 703-306-3036. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2137

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
mdn
9/8/04

Andrew Caldwell
Andrew Caldwell